

MICHIGAN JUDGES ASSOCIATION
FOUNDED 1927

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May 26, 2005

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RE: ADM File No. 2004-60
Proposed Amendment of Rule 9.205 of the Michigan Court Rules.

ADM File No. 2003-04
Proposed Amendment of Rule 6.412 of the Michigan Court Rules.

Dear Mr. Davis:

Elected Executive Board

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At the May 2005 meeting of the Michigan Judges Association, the Rules Committee and the Executive Board considered the proposed amendments contained in ADM 2004-60 and ADM 2003-04. MJA opposes the proposed amendments.

Appointed Executive Board

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Court of Appeals Designee:

HON. WILLIAM WHITBECK

Executive Director

J. Michael Busch

The reason we oppose the amendments to ADM 2004-60 are as follows: We believe that there is no constitutional authority to assess a judge for the costs incurred as a result of a Judicial Tenure Commission proceeding instituted against that judge. We also believe that imposing costs, fees, and expenses incurred by the Commission in prosecuting the complaint against the judge would have a chilling affect on the judge's defense. If the Court were to impose such sanction, we believe that, as to alternative A or alternative B, alternative B would be more appropriate.


The reason that we oppose the amendments to ADM 2003-04 is, we do not believe that the amendments are necessary, because the Court already has discretion to address such issues.

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We thank the Court for considering our comments on these matters. If the Michigan Judges Association may provide any further information or assistance, we stand ready to assist the Court.

Sincerely,

MICHIGAN JUDGES ASSOCIATION



Hon. Robert M. Ransom
President

CC: Clifford W. Taylor, Chief Justice
Debra Gutierrez-McGuire, Administrative Counsel
Hon. Richard Ryan Lamb
Hon. Michael F. Sapala